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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,181	05/07/2001	Frederick Murray Burg	2000-0012	1252

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EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/850,181

Applicant(s)

BURG ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 24-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2 and 3</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Affidavit

1. The declaration filed on 5/13/4 under 37 CFR 1.131 is sufficient to overcome the Shavit and Singh references.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-6, 9-16, 18, 19, 21, 22 and 24-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by Voit et al, U.S. Patent No. 6,215,790 (hereinafter Voit).

Regarding claim 1, Voit teaches a method of tracking status information of communication devices of a user comprising storing information about a plurality of communication devices

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associated with the user, wherein at least two of the communication devices belong to different types of networks and do not depend on each other's network for a communication; and receiving status information regarding the at least two of the communication devices from respective networks (Figure 3).

Regarding claim 2, see column 16.

Regarding claim 3, see Figure 3.

Regarding claim 4, see Figure 3 and column 16.

Regarding claim 5, see column 18.

Regarding claim 6, see column 18.

Regarding claim 9, see Figure 3.

Regarding claim 10, see column 16.

Regarding claim 11, see Figure 3.

Regarding claim 12, see Figure 3.

Regarding claim 13, see Figure 3. Also see column 16.

Regarding claim 14, see Figure 3.

Regarding claim 15, see column 18.

Regarding claim 16, see column 18.

Regarding claim 18, see Figures 1 and 4.

Regarding claim 19, see Figure 1.

Regarding claim 21, see Figure 3.

Regarding claim 22, see Figure 3.

Regarding claim 24, see column 16.

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Regarding claim 25, see Figure 3.

Regarding claim 26, see Figure 3 and column 16.

Regarding claim 27, see Figure 3.

Regarding claim 28, see column 18.

Regarding claim 29, see column 18.

Regarding claim 30, see Figures 1 and 4.

Regarding claim 31, see Figures 1 and 4.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 8 and 17 are rejected under 35 U.S.C § 103(a) as being unpatentable over Voit in view of Sours et al, U.S. Patent No. 5,805,682 (hereinafter Sours).

Regarding claim 7, Voit discloses the communication devices are selected from a group consisting of a telephone, cellular phone and personal computer (see Figures 1 and 4). Voit does not disclose the group consists of a set-top box. However Sours

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discloses this limitation (see abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit wherein the group of communication devices includes a set-top box as disclosed by Sours. This modification allows automatic location of called parties at multiple locations as suggested by Voit (column 8).

Regarding claim 8, Voit discloses the different types of networks are selected from the group consisting of an Internet, a telephone network and a cellular phone network (see Figures 1 and 4). Voit fails to teach the group consists of a video network. However Sours teaches this limitation (see abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit wherein the group of includes a video network as disclosed by Sours. This modification allows automatic location of called parties at multiple locations as suggested by Voit (column 8).

Claim 17 is rejected for the same reasons as claim 7.

6. Claim 33 is rejected under 35 U.S.C § 103(a) as being unpatentable over Voit in view of Klug et al, U.S. Patent No. 5,790,785 (hereinafter Klug).

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With respect to claim 33, Voit fails to teach the storing is performed through an Internet portal site by providing the user with a predetermined registration procedure to enroll in the service of the method. However Klug discloses this limitation (see columns 1 and 2). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit with the Internet portal site taught by Klug. This modification allows a service subscriber to establish a list of address or phone numbers at which the user may be contacted as suggested by Voit (column 25).

7. Claim 32 is rejected under 35 U.S.C § 103(a) as being unpatentable over Voit in view of Tang et al, U.S. Patent No. 5,960,173 (hereinafter Tang).

Regarding claim 32, Voit teaches the claimed storing, querying, receiving, evaluating, selecting and redirecting steps (see Figure 3 and column 16). Voit does not teach the status information indicates when the devices were last active. However Tang discloses this limitation (column 8). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit with the status information taught by Tang. This modification allows calls to be routed to active devices as suggested by Voit.

8. Claim 20 is rejected under 35 U.S.C § 103(a) as being unpatentable over Voit in view of Gittins et al, U.S. Patent No. 6,052,372 (hereinafter Gittins).

Regarding claim 20, Voit fails to teach the requestor is of a buddy list or an Internet Call Waiting service. However Gittins discloses this limitation (column 9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit with the buddy list taught by Gittens. This modification facilitates rapid connection to frequently called destinations as suggested by Gittens (column 9).

Response to Arguments

9. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah
Patent Examiner
June 4, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

